

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 11-196

(Not to be published)

TIANA TOCIO,

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Petitioner,

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Filed: August 26, 2013

v.

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Decision on Attorneys'

SECRETARY OF HEALTH AND
HUMAN SERVICES

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Fees and Costs

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Respondent.

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DECISION¹ (ATTORNEY FEES AND COSTS)

In this case under the National Vaccine Injury Compensation Program,² Special Master Hamilton-Fieldman issued a Decision on March 28, 2013. On August 26, 2013, the parties filed a stipulation concerning attorney's fees and costs in this matter. The parties' stipulation requests a total payment of \$34,000.00, representing attorney's fees and costs. In accordance with General Order #9, Petitioner's counsel noted that Petitioner incurred no reimbursable costs in pursuit of her claim.

¹ The undersigned intends to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

² The applicable statutory provisions defining the program are found at 42 U.S.C. § 300aa-10 *et seq.* (2006).

I find that this petition was brought in good faith and that there existed a reasonable basis for the claim. Therefore, an award for fees and costs is appropriate, pursuant to 42 U.S.C. § 300aa-15(b) and (e)(1). Further, the proposed amount seems reasonable and appropriate. **Accordingly, I hereby award the total \$34,000.00, as a lump sum in the form of a check payable jointly to Petitioner and Petitioner's counsel, Diana L. Stadelnikas, forwarded to the main office of Maglio, Christopher & Toale, located at 1605 Main Street, Suite 710, Sarasota, Florida 34236.**

In the absence of a timely-filed motion for review filed pursuant to Appendix B of the Rules of the U.S. Court of Federal Claims, the clerk of the court shall enter judgment in accordance herewith.

IT IS SO ORDERED

/s/ Lisa Hamilton-Fieldman.
Lisa Hamilton-Fieldman
Special Master